

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

NEIGHBORS LEGACY HOLDINGS, INC.,

Debtor

MARK SHAPIRO, TRUSTEE
OF THE UNSECURED CREDITOR TRUST
OF NEIGHBORS LEGACY HOLDINGS,
INC. AND ITS DEBTOR AFFILIATES,
Plaintiff

VS.

TOM VO, ET AL.,
Defendants

CASE NO. 18-33836-H1-11
Chapter 11

ADV. NO. 20-03016

JURY DEMANDED

**MOTION TO DISMISS DEFENDANTS UCBAMICHAEL HOLDINGS, LTD
AND UCBAMICHAEL HOLDINGS MANAGEMENT, LLC
UNDER RULE 12(b)(3) FOR IMPROPER VENUE**

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

Represented parties should act through their attorney.

TO THE HONORABLE MARVIN ISGUR UNITED STATES BANKRUPTCY JUDGE:

Come now UcBamichael Holdings, Ltd, a Texas limited partnership, and its general partner UcBamichael Holdings Management, LLC, two of the Defendants in the above

numbered and titled Adversary Proceeding, and respectfully move the court to dismiss these Defendants from this adversary proceeding, pursuant to Fed.R.Civ.P. 12(b)(3) and Fed.R.Bankr.P. 7012(b) for improper venue, and respectfully represent:

1. The amount which the Trustee seeks to recover from UcBamichael Holdings, Ltd and UcBamichael Holdings Management, LLC, is the sum of \$6,155.00. (Exhibit A to the Plaintiff's First Amended Complaint, doc 4-1, page 2, next to last line.)
2. UcBamichael Holdings, Ltd and UcBamichael Holdings Management, LLC reside in the Eastern District of Texas and have their place of business at 7745 Village Dr. Beaumont, Texas 77713. UcBamichael Holdings, Ltd and UcBamichael Holdings Management, LLC do not reside in or have a place of business within the Southern District of Texas.
3. Pursuant to 28 U.S.C. § 1409(b), a trustee in a case under title 11 may commence a proceeding arising in or related to such case to recover a money judgment of or property worth less than \$25,000, only in the district in which the defendants reside.

Wherefore Defendants UcBamichael Holdings, Ltd, a Texas limited partnership, and its general partner UcBamichael Holdings Management, LLC move that they be dismissed from this adversary proceeding.

Respectfully submitted,

ROSS, BANKS, MAY, CRON & CAVIN, P.C.

By: 
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UcBamichael Holdings, Ltd and
UcBamichael Holdings Management, LLC

CERTIFICATE OF SERVICE

I certify that true copies of this motion and proposed order were served upon the Trustee by email to the Trustee's attorney of record Clifford Walston of the law firm of Walston Bowlin, LLP, to email address cliff@walstonbowlin.com, and on all persons who have entered an appearance in this case electronically by means of the Court's CM/ECF System contemporaneously with filing.

I certify that true copies of this motion and proposed order were served upon the Trustee, the Trustee's attorney, and all of the Defendants by mailing same, properly addressed and postage prepaid, to the persons and parties whose names are set forth in the attached Mailing list.

This service was completed on June 30, 2020.



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